

HOUSE BILL No. 1620

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-15-2.

Synopsis: Dissolution of marriage waiting period. Extends the minimum waiting period from 60 days to 120 days before a dissolution of marriage may be finalized. Retains 60 days as the minimum waiting period upon a showing of domestic violence against a party or the party's minor child. (The introduced version of this bill was prepared by the interim study committee on family law issues.)

Effective: July 1, 1999.

Budak, Kruse, Dickinson

January 21, 1999, read first time and referred to Committee on Judiciary.



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1620

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-15-2-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) Except as
3 provided in sections 13 and 14 of this chapter **and subsection (b)**, in
4 an action for a dissolution of marriage under section 2 of this chapter,
5 a final hearing shall be conducted not earlier than ~~sixty (60)~~ **one**
6 **hundred twenty (120)** days after the filing of the petition.

7 (b) A party may petition the court to reduce the waiting period
8 before the final hearing may be held. The court may conduct a
9 final hearing not earlier than sixty (60) days after the filing of the
10 dissolution of marriage petition if the party petitioning for
11 reduction of the waiting period shows that the other party has
12 engaged in domestic violence (as defined in IC 31-9-2-42) against:

- 13 (1) the petitioning party; or
14 (2) the petitioning party's child.

15 SECTION 2. IC 31-15-2-11 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. **Except as**
17 **provided in section 10(b) of this chapter**, if a petition has been filed



1 in an action for legal separation under IC 31-15-3-2 (or
 2 IC 31-1-11.5-3(c) before its repeal), a final hearing on a petition or
 3 counter petition subsequently filed in an action for dissolution of
 4 marriage under section 2 of this chapter (or IC 31-1-11.5-3(a) before
 5 its repeal) may be held at any time after ~~sixty (60)~~ **one hundred twenty**
 6 **(120)** days after the petition in an action for legal separation under
 7 IC 31-15-3-2 has been filed.

8 SECTION 3. IC 31-15-2-12 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) This section
 10 applies if a party who filed an action for dissolution of marriage under
 11 section 2 of this chapter (or IC 31-1-11.5-3(a) before its repeal) files a
 12 motion to dismiss the action.

13 (b) A party that files an action shall serve each other party to the
 14 action with a copy of the motion.

15 (c) A party to the action may file a counter petition under section 2
 16 of this chapter not later than five (5) days after the filing of the motion
 17 to dismiss. **Except as provided in section 10(b) of this chapter**, if a
 18 party files a counter petition under this subsection, the court shall set
 19 the petition and counter petition for final hearing not earlier than ~~sixty~~
 20 **(60) one hundred twenty (120)** days after the initial petition was filed.

21 SECTION 4. IC 31-15-2-13 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. **Except as**
 23 **provided in section 10(b) of this chapter**, at least ~~sixty (60)~~ **one**
 24 **hundred twenty (120)** days after a petition is filed in an action for
 25 dissolution of marriage under section 2 of this chapter, the court may
 26 enter a summary dissolution decree without holding a final hearing
 27 under this chapter if there have been filed with the court verified
 28 pleadings, signed by both parties, containing:

29 (1) a written waiver of final hearing; and

30 (2) either:

31 (A) a statement that there are no contested issues in the action;
 32 or

33 (B) a written agreement made in accordance with section 17
 34 of this chapter that settles any contested issues between the
 35 parties.

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